

GEN. BINGHAM'S SUIT LAGS

HELD UP BY AN APPLICATION TO CHANGE THE COMPLAINT.

Counsel for Justice Gaylor Declares That the General's Service Record Has No Place in the Case—Motion to Strike Out All Reference to Duffy Case.

Supreme Court Justice Brady reserved decision yesterday on the application of Supreme Court Justice Gaylor to have stricken out much of the complaint filed against him in Gen. Bingham's suit for \$100,000 for alleged libel. Gen. Bingham asks \$75,000 damages for one letter and \$25,000 for another, both of which were sent to Mayor McClellan in connection with the Duffy case.

Charles H. Hyde, counsel for Justice Gaylor, said that the sections of the complaint objected to are irrelevant, redundant and unnecessary. These all refer to the services and record of Gen. Bingham, setting forth his entire military service, and stating that he was a General in the United States Army and had twice been military aide to Presidents of the United States. Justice Gaylor holds that this is all immaterial to the issues involved in the suit and should be eliminated. His counsel said it is a well established principle of law that a plaintiff's good character is presumed and need not be pleaded.

Counsel for the defendant also wanted stricken out the sections of the complaint stating the standing and high official position of Justice Gaylor and also wanted all references to the Duffy case and the election, including the custody of the Police Department in such matters.

In opposing the application E. J. Crowley, counsel for Gen. Bingham, asserted that the matter in dispute is not a matter of public interest and that the standing of Justice Gaylor is not in issue. He said that in drawing the complaint he inserted Gen. Bingham's high and honorable record because it was necessary to state the political and social standing of the plaintiff so that the injury attempted to be done to his reputation might be placed properly before a jury.

It was by reason of the high standing and record of the plaintiff, said Mr. Crowley, that Justice Gaylor's "false and malicious" statements were made and that they were all made for the purpose of damaging him. He said that Justice Gaylor knew the statements were false when he made them and that for that very reason they were all made with malicious intent.

Mr. Crowley said that he did not believe the motion was made for any other purpose than to delay. The suit was started on June 24, he said, but Justice Gaylor's answer has not been served and no attempt has been made to serve it, although time for doing so has been extended several times at the request of Justice Gaylor.

UNLICENSED DENTISTS.

District Attorney Gets After Men Who Have No Right to Practise.

The District Attorney's office began a raid on unlicensed dentists yesterday, arrested two of the offenders and issued warrants for thirty more. The work was begun at the instance of Dr. Victor Ettinger of 108 Livingston street, member of the New York Dental Society.

Dr. Ettinger complained recently that although he had reported from eighteen to twenty cases of unlicensed practice to the council of the Dental Society, no action had been taken. Assistant District Attorney Bosler was assigned to the investigation and secured evidence which led to the arrest yesterday of S. S. Gross of 112 Rivington street and Samuel Greenberg of 132 Essex street.

Both of these men have their offices at their residences and display signs announcing that they are dental surgeons. Detectives Russo and Kesselmark of the District Attorney's office, who made the arrests, brought the signs along as evidence. Gross and Greenberg were arraigned before Magistrate O'Connor in the Tombs police court and held in \$500 bail each for trial.

Mr. Bosler said yesterday that his investigation had led him to believe that there are over 500 unlicensed dentists practicing in Manhattan alone. A great many of these men have offices on the East Side. Mr. Bosler says that some of the offenders have had elementary dental training in other States. Some of the men for whom warrants have been issued have been convicted before on similar charges.

MANY LAWS OFFEND THEM.

Canadian Trades and Labor Congress Has a Fault-Finding Session.

QUEBEC, Sept. 24.—Drastic resolutions were passed at this morning's session of the Trades and Labor Congress of Canada. It was decided to ask the Dominion Government to abolish the alien labor law, on the ground that it was used as a present form. The Lemieux trades and disputes act was also hit, being characterized by British Columbia delegates as one of the most heinous pieces of alleged labor legislation that have ever been adopted in any country.

The calling out of the militia at Glace Bay, N. S., during the strike was condemned. The visit of the Hon. Rodolphe Lemieux, Postmaster-General, to the Mikado, relative to Oriental immigration, and his subsequent agreement to sign a complete farce, as he called it, and other undesirable measures were being poured into British Columbia daily.

Feigate McGee of Vancouver declared that Japanese immigration had doubled since the Lemieux agreement. He said Oriental immigrants had already ruined the fishing industry, and that hundreds of Orientals came through of whom no record could be had.

The Croysey Mansion Burned.

MIDDLETOWN, N. Y., Sept. 24.—The Croysey mansion near Warwick, Orange county, which was built and occupied by J. J. Croysey, the foremost landscape artist of America, thirty-five years ago, was destroyed by fire Thursday night. It contained forty rooms and in burning lighted up the country for miles around. The property has not been insured and was owned by Mrs. J. H. Evered of Englewood, N. J. The loss is \$30,000.

SPECIAL CENSUS AGENTS.

Tests of Qualifications of Applicants to Be Had on November 4.

WASHINGTON, Sept. 24.—The Census Bureau announces that on November 4 a practical test will be had of the qualifications of applicants for appointments as special agents for the collection of the thirteen census statistics of manufactures, mines and quarries. Blank applications may be obtained now by writing the Bureau of the Census. No applications which are received after the close of business on October 25 will be considered.

The bureau will employ from 1,600 to 1,800 special agents. Director Durand says that as far as possible it is desired to obtain for this work persons who have had college or university courses in statistics or economics and persons who have had service in the accounting department of some manufacturing or other business establishment.

The special agents will be divided into two classes: class 1, chief special agents, who will collect statistics and supervise the work of assistant special agents within a given territory of district; and class 2, assistant special agents, who will be assigned to the collection of statistics under the direction of and subordinate to special agents of class 1. Chief special agents of class 1 will receive compensation at the rate of \$4.50 to \$6 a day, including intervening Sundays. Assistant special agents of class 2, if paid by the day, will receive from \$3 to \$4 for each day, including intervening Sundays. Such agents may, however, be compensated on a piece price basis.

The chief special agents will be employed from six to fifteen months and the assistant special agents from three to six months. Instead of a formal examination applicants will be given practical tests, the paper prepared by the candidates in the test being the basis of the final grade of a candidate. The grading of the papers will be done by the bureau upon the evidence of the candidate's previous experience as shown in his application blank.

Director Durand says that applications will be accepted from women having the required experience, but the opportunity for their employment in this work is slight and few if any such appointments will be made. The practical tests will be made by the local civil service boards at points designated. In New York the tests will be made at the following places: Binghamton, Buffalo, Elmira, Ithaca, Jamestown, New York, Ogdensburg, Plattsburg, Poughkeepsie, Rochester, Syracuse, Troy and Utica.

BREEDING PLACE FOR DISEASE.

Essex Market Court Condemned Again—Summary Action Recommended.

Arthur J. Weber, foreman of the regular September Grand Jury, as chairman of a special committee of that body charged with a careful investigation of the old Essex Market building, made a report to the Grand Jury yesterday, signed by himself and his associates, which the Grand Jury made the basis of a formal presentment.

The other members of the committee were George B. McGinnis and Moses Schlesinger. The committee reported that they found distressingly unsanitary conditions at Essex Market, practically throughout the building. They found the detention pen in the police court an excellent breeding place for germs of tuberculosis and typhoid fever. They found that Magistrates, complainants and prisoners and court attendants all are exposed to serious disease through the necessity of holding court in this building.

The committee subscribed to and desired to intensify the presentment made by the Grand Jury and recommended that the conditions be brought to the attention of the Commissioners of the Sinking Fund as a basis for a demand for a new building. They recommended also that the conditions be brought at once before the Board of Health for summary action and that copies of their report be sent to various officials, including the Police Commissioner.

The Grand Jury embodied that report in a presentment submitted yesterday to the court. The presentment recommended that the Board of Health take immediate steps to remedy the unsanitary conditions of the building.

Mr. Bosler said yesterday that the investigation had led him to believe that there are over 500 unlicensed dentists practicing in Manhattan alone. A great many of these men have offices on the East Side. Mr. Bosler says that some of the offenders have had elementary dental training in other States. Some of the men for whom warrants have been issued have been convicted before on similar charges.

WATER COMMISSIONERS OUT.

Three of Middletown's Board Resign and Resignation of the Others Called For.

MIDDLETOWN, N. Y., Sept. 24.—President George T. Walker and H. H. Blanchard and A. E. Hopkins, members of the Board of Water Commissioners, handed their resignations to Mayor Robert Lawrence to-day, and this was followed by Mayor Lawrence asking for the resignations of Thomas Kane and L. M. Lawrence, the two remaining members of the board. Messrs. Walker, Blanchard and Hopkins made their resignations on condition that Commissioners Kane and Lawrence also resign. This was agreed to and Mayor Lawrence announced that he had accepted a full board of water commissioners.

The trouble was caused through resignations having been made by the Water Commissioner J. M. Lawrence against Commissioners Walker, Blanchard and Hopkins. Charges were made against Commissioner Lawrence and he was suspended by the Mayor. After a trial he was reinstated, and then an action for \$50,000 for slander was begun against him by the other members of the board. The case is now pending in court.

Reprieved for Butting In on a Theft.

BLOOMFIELD, N. J., Sept. 24.—"Never again will I butt in," said Thomas Hennessey, a machinist at the Diamond Paper Mills, to-day after having a revolver pointed at his nose early this morning by a thief whom he saw stealing tomatoes from a garden near the mill.

The thief, resenting the interference of Hennessey, went to the mill, held the muzzle of the revolver in his face and said: "You keep your valve shut or I will shut it for you."


The thief then returned to the garden and in plain view of Hennessey filled three baskets with tomatoes and went away.

Playing Ball With a Human Skull.

Teachers in Public School 73, New Lots road and Schenck avenue, East New York, yesterday found some of the schoolboys playing ball with a human skull. It had been found on the site of what was formerly a negro burying ground for slaves who died in the service of the old Dutch colony of the city. The skull was one of the bones of a New Lots named after one of the pioneer settlers.

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JEAN VENITOS ARRESTED.
Proprietor of Bayonne's La Tourette Acused of Illegal Liquor Selling.

Jean Venitos, proprietor of the old and historic La Tourette Hotel in Bayonne, facing the Kill van Kull, was arrested yesterday on the charge of selling liquor without a license. He will be arraigned this morning, when all the guests of the hotel, including a number of women prominent in society and several Manhattan brokers, will be called upon to tell what they know of drinks being served to the guests of the hotel.

The police say they had a man and woman registered for two weeks at the hotel and that they purchased cocktails, highballs and beer without trouble and put some in bottles to be used for evidence.

Venitos was refused a license by the Common Council on the ground that he was not a citizen.

Young Zeller's Death Sentence Commuted.
TRENTON, N. J., Sept. 24.—The death sentence of Walter Zeller, 18 years old, who killed his grandfather, William Reed, near Vineland last November was commuted by the Court of Pardons to-day to life imprisonment. Of the eight members of the court Chancellor Pitney alone voted against the commutation.

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